THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.13835 of 1997

Dated: 26th September, 2005

Between:

N.Rama Mohan Rao.

…..PETITIONER

AND

A.P.Co-operative Tribunal rep by its

Chairman, Vijayawada, Krishna

District & 2 others.

….RESPONDENTS

THE HONOURABLE SRI JUSTICE

N.V.RAMANA

W.P. No. 13835 of 1997

ORDER:

On the ground that the enquiry report along with the findings of the Registrar, were not placed before the Managing Committee, as required under Section 52 of the Co-operative Societies Act, 1964, before initiating the surcharge proceedings

under Section 60 thereof, the petitioner filed this writ petition to set aside the surcharge proceedings.

When the writ petition is taken up for hearing, it is submitted by the learned Government Pleader for Co-operation appearing on behalf of the respondents, and admitted to by the learned counsel for the petitioner that the issue raised in this writ petition is squarely covered by the judgment of this Court in W.P. No. 16149 of 1997 and batch, dated 19.06.2003, wherein a learned single Judge of this Court following the judgment of a Division Bench of this Court in ***Deputy Registrar v. Abdul Raheem***, held that it is not necessary to place the enquiry report along with the findings of the Registrar before the Managing Committee before initiating the surcharge proceedings under Section 60 of the
Co-operative Societies Act, 1964.

In the circumstances, following the said judgment and for the reasons mentioned therein, this writ petition is liable to be dismissed, and is accordingly dismissed. No costs.

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(N.V. RAMANA, J.)

Date: 26.09.2005.

GRK